

**TOMORROW'S FORECAST**

\* The House will reconvene for its 27th Legislative Day on Friday, March 1, at 9:00 AM.

\* 11 bills are expected to be debated on the floor.



**GEORGIA HOUSE OF REPRESENTATIVES**

***DAILY REPORT***

**Thursday, February 28, 2013**

**26th Legislative Day**

**TODAY ON THE FLOOR**

**RULES CALENDAR**

**HB 155 - Game and fish; licensing and operation of shooting preserves; revise provisions**

- BILL SUMMARY: HB 155 by Committee Sub (LC 40 0287S)

**Section 1**

Title 27 is amended by revising Article 4 of Chapter 3.

**27-3-110**

(a), A blanket commercial license is no longer included as permissible for releasing pen raised game birds.

**27-3-110**

(c-1), The land to compromise the preserve must consist of not more than 1,000 acres and not less than 100 contiguous acres and must be owned or leased by the applicant.

(c-2), The boundary lines of the premises must be marked by signs indicating that they are the boundary line signs, and that the premises are posted as against trespassing.

(c-3)(a), As a condition of holding a shooting preserve license, the owner or his or her lessee or agent, shall, prior to allowing anyone to hunt on such shooting preserve will confirm that such person has completed a hunter education course.

(c-3)(b), If a hunter education course isn't verified, education instruction will be provided that, at a minimum, demonstrates techniques for proper firearm handling, unloading, and safety.

**27-3-111**

(a), Any pen raised game bird that is removed from a shooting preserve must be accompanied by the contact information of the preserve from which it was taken.

(c), The department must be allowed to access records of all pen raised game birds propagated, released or taken on the preserve during all regular business hours.

(d), The licensee must notify the department within 24 hours of the diagnosis of any epizootic disease of any pen raised game bird on the preserve.

**27-3-112**

(a), Ring-necked pheasants are allowed to be hunted between October 1 and March 31 of the following year, unlike other pen raised game birds, except for one half hour before sunrise or sunset.

**27-3-113**

No one shall have or release on any shooting preserve, any wildlife or wild animal except pen raised game birds, unless the person has received prior written approval from the department.

**27-3-114**

(a), is amended to include fishing in any private or state waters within the boundaries of a preserve.

(b), The requirements of subsection (b) of Code Section 27-2-5 shall not apply to any person hunting pen raised game birds on a proper shooting reserve as long as the individual has completed hunter education requirements.

**27-3-115**

(a-c), The department is authorized to enter into agreements with properly licensed shooting preserves for the purpose of issuing and selling shooting preserve hunting licenses. The department shall not disclose any shooting preserve hunting license record, which reveals the name, home address, home telephone number, or social security number, without written consent from the owner or lessee of the shooting preserve.

## Section 2

Paragraph (48) of section 27-1-2 is revised by stating the definition of 'Pen raised game bird'. The definition is any bobwhite quail, chukar or red-legged partridge, coturnix or Japanese quail, ring-necked pheasant, mallard duck, or black duck.

## Section 3

Code Section 27-2-3.1 is amended by revising paragraph (1) of subsection (f) to state that lifetime shooting preserve licenses, available to any individual, resident or nonresident, which entitles the holder to hunt pen raised game birds and fish in any private or state waters within the boundaries of a properly licensed shooting preserve is \$75.00.

## Section 5

Subsection (b) of Code Section 12-2-1 is revised to state that any resident owner of any vessel properly numbered in accordance with Code Section 52-7-5 may hunt and fish on his or her date of birth and up to two consecutive days thereafter in accordance with the requirements of this title and as otherwise specified by the department.

This will allow registered boat owners to hunt and fish without a license on these days.

- **Authored By:** Rep. David Knight of the 130th
- **House Committee:** Game, Fish, & Parks
- **Rule:** Modified-Open
- **Yeas:** 173; **Nays:** 0

## **HB 156 - Electronic pornography; certain acts amounting to unlawfully seducing or enticing a child through use of computer online service; clarify**

- **BILL SUMMARY:** HB 156 fills a gap in the Code whereby any person having custody or control of a child who is solicited online for the sexual exploitation of that child will be held criminally liable.
- **Authored By:** Rep. Jay Neal of the 2nd
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 171; **Nays:** 0

## **HB 176 - Mobile Broadband Infrastructure Leads to Development (BILD) Act; enact**

- **BILL SUMMARY:** House bill 176 is known as the "Mobile Broadband Infrastructure Leads to Development (BILD) Act." The legislation will allow previously approved wireless support structures and wireless facilities to be modified or collocated without additional zoning or land use review beyond that which is typically required by the local governing authority for the issuance of building or electrical permits, as long as the proposed modifications do not substantially change the size of the existing structures. Limitations on the time allowed for review of new wireless facilities and fees charged for such by local governing authorities are outlined as well.
- **Authored By:** Rep. Don Parsons of the 44th
- **House Committee:** Energy, Utilities & Telecommunications
- **Rule:** Modified-Structured
- **Amendments(s):** N/A
- **Yeas:** N/A; **Nays:** N/A

## **HB 242 - Juvenile proceedings; substantially revise, supersede, and modernize provisions**

- **BILL SUMMARY:** Overview  
In 2012, Governor Nathan Deal reappointed the Special Council on Criminal Justice Reform ("Council"). He tasked them with studying the state's juvenile justice system and coming up with ways to improve public safety and decrease costs. HB 242, the Juvenile Justice Reform bill, substantially, revises, supersedes and modernizes provisions relating to juvenile proceedings and enacts comprehensive juvenile justice reforms recommended by the Council.

\* For a more detailed summary, please contact the Judiciary committee

- **Authored By:** Rep. Wendell Willard of the 51st
- **House Committee:** Judiciary
- **Rule:** Modified-Structured
- **Yeas:** 173; **Nays:** 0

### **HB 244 - Elementary and secondary education; annual performance evaluations; revise certain provisions**

- BILL SUMMARY: House Bill 244 revises certain provisions relating to annual performance evaluations. It provides for the development of an evaluation system, no later than the 2014-2015 school year, for teachers, assistant principals and principals. This bill lists the evaluation measures as well as a rating system the State Board of Education shall adopt.

- **Authored By:** Rep. Randy Nix of the 69th

- **House Committee:** Education

- **Rule:** Modified-Structured

- **Yeas:** 151; **Nays:** 21

### **HB 283 - Education; update and revise terminology; provisions**

- BILL SUMMARY: House Bill 283 amends Title 20 of the O.C.G.A. relating to education. It implements recommendations from the Education Finance Study Commission, renames vocational to career technical and agriculture, removes obsolete No Child Left Behind language, renames commission charter schools to state charter schools, clarifies that Charter Advisory Commission is only for charter systems, implements budget savings for charter systems, cleanup to Online Clearinghouse and implements request by governor's office to set up a non-profit for Office of Student Achievement.

- **Authored By:** Rep. Brooks Coleman of the 97th

- **House Committee:** Education

- **Rule:** Modified-Structured

- **Yeas:** 169; **Nays:** 1

### **HB 293 - Tuition equalization grants; private colleges and universities; nursing; provisions**

- BILL SUMMARY: HB 293 amends O.C.G.A. 20-3-411(2)(B) relating to approved schools for tuition equalization grants at private colleges and universities by adding a division that states that a proprietary institution offering a course of study in nursing and is otherwise qualified pursuant to the subparagraph except for having not been in existence in Georgia for a period of at least ten years as of January 1, 2011, shall be an approved school so long as it is a wholly owned subsidiary of a corporation that operates a proprietary institution of higher education in Georgia, either directly or through a wholly owned subsidiary corporation, and is a qualified proprietary institution of higher education under this subparagraph.

- **Authored By:** Rep. Carl Rogers of the 29th

- **House Committee:** Higher Education

- **Rule:** Modified-Structured

- **Yeas:** 166; **Nays:** 6

### **HB 324 - Georgia Student Finance Commission; board of commissioners; Georgia Student Finance Authority; board of directors; verification of lawful presence; provide exemptions**

- BILL SUMMARY: House Bill 324 amends O.C.G.A. 50-36-2, which relates to requirements, procedures, and conditions for verification of lawful presence within the United States, by stating that the board of commissioners of the Georgia Student Finance Commission, and the board of directors of the Georgia Student Finance Authority shall set forth policies, regulations, or both regarding postsecondary benefits that comply with federal law.

- **Authored By:** Rep. Matt Dollar of the 45th

- **House Committee:** Higher Education

- **Rule:** Modified-Open

- **Yeas:** 163; **Nays:** 9

### **HB 327 - Flexibility and Accountability Act for Student Achievement; enact**

- BILL SUMMARY: House Bill 327 enacts the "Flexibility and Accountability Act for Student Achievement." This bill would categorize each school system as a Category 1, Category 2 or Category 3 school system. This should help form a more cohesive state-wide flexibility and accountability structure.

- **Authored By:** Rep. Brooks Coleman of the 97th

- **House Committee:** Education

- **Rule:** Modified-Structured

- **Yeas:** 174; **Nays:** 1

**HR 274 - Department of Army; consider socioeconomic impact the Programmatic Environmental Assessment for Army 2020 Force Restructuring will have on Fort Benning, Georgia; request**

- BILL SUMMARY: HR 274 is a resolution that asks the Department of the Army to carefully examine the socioeconomic consequences of the Programmatic Environmental Assessment (PEA) for the of the Army 2020 Force Restructuring as it relates to Fort Benning and its surrounding environment. This resolution points out that the Department of Defense, Department of the Army, and federal, state, and local governments have all made several considerable investments to the Fort and its outlying areas. The resolution describes the economic loss to the area in terms of sales, income, and employment that the region would suffer as a result of the Programmatic Environmental Assessment (PEA) for the of the Army 2020 Force Restructuring.

- **Authored By:** Rep. Richard Smith of the 134th

- **House Committee:** Defense & Veterans Affairs

- **Rule:** Modified-Open

- **Yeas:** 169; **Nays:** 1

**HR 281 - Tift County; named in honor of the late Henry Harding Tift; provide**

- BILL SUMMARY: HR 281 is a resolution providing that Tift County be so named in honor of the late Henry Harding Tift.

- **Authored By:** Rep. Jay Roberts of the 155th

- **House Committee:** Governmental Affairs

- **Rule:** Modified-Open

- **Yeas:** 164; **Nays:** 0

**LOCAL CALENDAR**

**HB 432 - Appling County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Appling County Board of Education.

- **Authored By:** Rep. Greg Morris of the 156th

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 156; **Nays:** 0

**HB 433 - Appling County; Board of Commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Appling County Board of Commissioners.

- **Authored By:** Rep. Greg Morris of the 156th

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 156; **Nays:** 0

**HB 447 - Laurens County; Board of Commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Laurens County Board of Commissioners.

- **Authored By:** Rep. Matt Hatchett of the 150th

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 156; **Nays:** 0

**HB 457 - Hiram, City of; reincorporation, corporate boundaries, municipal powers, and exercise of powers; provide**

- BILL SUMMARY: A Bill to provide a new charter for the City of Hiram.

- **Authored By:** Rep. Paulette Braddock of the 19th

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 156; **Nays:** 0

**HB 466 - Cornelia, City of; provide new charter**

- BILL SUMMARY: A Bill to provide a new charter for the City of Cornelia.

- **Authored By:** Rep. Terry Rogers of the 10th

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 156; **Nays:** 0

**HB 467 - Danville, Town of; provide new charter**

- BILL SUMMARY: A Bill to provide a new charter for the Town of Danville.
- **Authored By:** Rep. James Epps of the 144th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 156; **Nays:** 0

**HB 479 - Forsyth County; Board of Education; change compensation of chairperson and members**

- BILL SUMMARY: A Bill to provide compensation and expense reimbursement for the members of the Forsyth County Board of Education.
- **Authored By:** Rep. Mike Dudgeon of the 25th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 156; **Nays:** 0

**HB 484 - Monroe, City of; provide for jurisdiction of municipal court**

- BILL SUMMARY: A Bill to provide for jurisdiction of the Municipal Court of the City of Monroe.
- **Authored By:** Rep. Bruce Williamson of the 115th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 156; **Nays:** 0

**HB 485 - Soperton, City of; City Court; change salary of judge and solicitor**

- BILL SUMMARY: A Bill to provide compensation for the judge and solicitor-general of the State Court of Treutlen County.
- **Authored By:** Rep. Matt Hatchett of the 150th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 156; **Nays:** 0

**RECOMMITTED TO COMMITTEE****HB 176 - Mobile Broadband Infrastructure Leads to Development (BILD) Act; enact**

- BILL SUMMARY: House bill 176 is known as the "Mobile Broadband Infrastructure Leads to Development (BILD) Act." The legislation will allow previously approved wireless support structures and wireless facilities to be modified or collocated without additional zoning or land use review beyond that which is typically required by the local governing authority for the issuance of building or electrical permits, as long as the proposed modifications do not substantially change the size of the existing structures. Limitations on the time allowed for review of new wireless facilities and fees charged for such by local governing authorities are outlined as well.
- **Authored By:** Rep. Don Parsons of the 44th
- **House Committee:** Energy, Utilities & Telecommunications
- **Rule:** Modified-Structured

**POSTPONED TO NEXT LEGISLATIVE DAY****HB 287 - Secretary of State, Office of; Division of Archives and History; reassign to Board of Regents of University System of Georgia**

- BILL SUMMARY: HB 287 reassigns the Division of Archives and History from the Secretary of State's office to the Board of Regents of the University System of Georgia.
- **Authored By:** Rep. Matt Hatchett of the 150th
- **House Committee:** Governmental Affairs

*\* The House will reconvene Friday, March 1, at 9:00 AM, for its 27th Legislative Day.*

## **COMMITTEE ON RULES**

**The Committee on Rules has fixed the calendar for the 27th Legislative Day, Friday, March 1, and bills may be called at the pleasure of the Speaker.**

### **NEXT ON THE FLOOR**

#### **HB 21 - Adoption; postadoption contact agreements; provide**

- BILL SUMMARY: HB 21 codifies parameters for postadoption contact agreements. Any disagreement over post-adoption visitation will not set aside any adoption order.

A post-adoption contact agreement must contain certain warnings in bold face, be in writing and signed by all parties. It may set forth certain privileges such as future contact and visitation with the child. HB 21 provides for the ability to modify and/or enforce the agreement.

Any party may file the agreement with the court if the agreement provides for court enforcement or is silent on the issue. Jurisdiction over enforcement continues in the original court granting the adoption petition. Any litigation expenses over enforcement is borne by the party that fails to comply or files a frivolous action.

- **Authored By:** Rep. Mary Margaret Oliver of the 82nd

- **House Committee:** Juvenile Justice

- **House Committee Passed:** 2/25/2013

- **Rule:** Modified-Structured

#### **HB 71 - Georgia Municipal Employees Benefit System; total percentage of investments permissible in real estate investments; increase**

- BILL SUMMARY: HB71 allows the Georgia Municipal Employees Benefit System and any other association of like political subdivisions which contracts with its members for the pooling of assets to invest up to 10 percent of the total assets of its fund in real estate. Current law states that such systems may invest an amount up to 5 percent of the total assets of its fund in real estate. This is a nonfiscal retirement bill.

- **Authored By:** Rep. Lynne Riley of the 50th

- **House Committee:** Retirement

- **House Committee Passed:** 2/6/2013

- **Rule:** Modified-Open

#### **HB 99 - Malt beverages; amount produced by a person in his or her private residence; change**

- BILL SUMMARY: House bill 99 makes changes to the provisions regarding malt beverages produced by a person in his or her residence and provides regulations for home-brew special events in the following manner:

- No more than 100 gallons may be produced in any private residence per calendar year if there is only one person of legal drinking age residing there;
- No more than 200 gallons may be produced in any private residence per calendar year if there are two or more persons of legal drinking age residing there;
- No more than 50 gallons may be produced in a 90 day period;
- Said malt beverages may only be consumed at the residence where produced and only by persons of legal drinking age, except for as provided by this Code section;
- Malt beverages produced may be transported and delivered by the producer for use at home-brew special events in a quantity not to exceed 25 gallons, in a sealed container;
- Transported malt beverages must be clearly labeled with the producer's name, address of residence where it was produced, name and address of special event location, and the permit number of the special event;
- A home-brew special event permit will cost \$50.00 and will be valid for no more than 6 events per calendar year;
- Consumption of malt beverages at home-brew special events will be limited to the participants and judges of the event;
- Any local governing authority that issues home-brew special event permits must adopt ordinances or resolutions governing these events; and
- Said beverages will not be sold or made available for consumption by the general public.

- **Authored By:** Rep. Jason Spencer of the 180th

- **House Committee:** Regulated Industries

- **House Committee Passed:** 2/20/2013

- **Rule:** Modified-Structured

## **HB 127 - Public officers; automatic fee adjustment in cases where funds are not appropriated in certain amounts for specified purposes; provide**

- BILL SUMMARY: HB 127 provides for automatic fee adjustments for certain fees collected, such as: the solid waste disposal fee, the tire disposal fee, certain fees pertaining to traffic violations collected by the courts, certain court filing fees, and penalties related to criminal, quasi-criminal, traffic cases, and bond violations.

For the purpose of making appropriations to the functions required to administer the programs supported by the fees collected, the Office of Planning and Budget (OPB) must determine the base amount of the fee. "Base amount" is defined as the total amount of fee proceeds collected during the fiscal year preceding the fiscal year for which the current appropriation amount is being determined. Additionally, OPB must establish what amount would be 25 percent of the base amount collected in fees, and add that amount to the current appropriation to determine the target amount of appropriation. If the new appropriation is equal to or greater than 95 percent of the base amount, or equal to or greater than the target amount, the amount of the fee collected will not be reduced.

However, if the new appropriation amount is less than the target appropriation amount, the fees collected will automatically be reduced by 25 percent. In this case, OPB must notify the collecting entity, when the Appropriations Act becomes law. Any fiscal year when the appropriation again meets the target amount, the fee amount will increase back to the prior amount. This new automatic adjustment of fees does not preclude any appropriation of greater amounts from taking place by OBP. Each collecting agency affected by this bill must confer with OPB to promulgate rules and regulations as would be required, including appropriate public notification of any fee amount change.

Prior to the adoption of the current fiscal year's amended supplementary appropriations bill, the application of a single fee outlined in this Code section may be waived and suspended for up to a single fiscal year.

- **Authored By:** Rep. Jay Powell of the 171st
- **House Committee:** Appropriations
- **House Committee Passed:** 2/26/2013
- **Rule:** Structured

## **HB 253 - Athens-Clarke County; provide future nonpartisan elections for office of probate judge**

- BILL SUMMARY: A Bill to provide for the nonpartisan election of the Probate Judge of the Probate Court of Athens/Clarke County.

- **Authored By:** Rep. Regina Quick of the 117th
- **House Committee:** Intragovernmental Coordination
- **House Committee Passed:** 2/14/2013
- **Rule:** Modified-Open

## **HB 284 - Return to Play Act of 2013; enact**

- BILL SUMMARY: House Bill 284 enacts the "Return to Play Act of 2013". This act will require public and private schools that provide youth athletic activities, to provide information to parents on the nature and risk of concussions and head injury. It also establishes concussion management and return to play policies.

- **Authored By:** Rep. Jimmy Pruett of the 149th
- **House Committee:** Education
- **House Committee Passed:** 2/26/2013
- **Rule:** Modified-Open

## **HB 298 - Agricultural Commodity Commission for Georgia Grown Products; create**

- BILL SUMMARY: The bill amends Chapter 8 of Title 2 of the O.C.G.A. relating to agricultural commodities promotion, to create the Agricultural Commodity Commission for Georgia Grown Products, to provide for the operation and the function of the commodity commission and for other purposes.

- **Authored By:** Rep. Robert Dickey of the 140th
- **House Committee:** Agriculture & Consumer Affairs
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Open

### **HB 349 - Criminal cases; provide state with more direct appeal rights**

- BILL SUMMARY: HB 349 is based on recommendations of the Governor's Criminal Justice Reform Council ("Council") Recommendations.

- Sections 1-3 grant the state the right to appeal a pre-trial ruling excluding evidence. These sections were not part of the Council's recommendations.

- Sections 4 and 5 allow a judge to use his discretion to depart from mandatory minimums for drug trafficking up to 50% in certain enumerated circumstances.

In addition, Section 4 addresses a recent Georgia Supreme Court case, *Wilson v. State*, by removing the word 'knowingly' in regards to the weight of the drugs. This amendment clarifies that the person does not have to have subjective knowledge of the actual weight of the drug in order to be found guilty under the statute.

- Section 6 revises the definition of administrative probation to allow the Board of Pardons and Paroles to utilize resources elsewhere while remaining in compliance with the Interstate Compact.

- Sections 7-9 grant discretion to the court for departure from a mandatory minimum sentence for a serious violent felony when the prosecuting attorney and defendant agree.

- Section 10 creates a Council on Criminal Justice Reform of for periodic review of criminal and correctional laws.

- Section 11 codifies current law regarding child hearsay of a child witness to sexual or physical abuse of another child. This section was also not a recommendation of the Council.

- Sections 12 and 13 allow for court discretion to grant a limited driving permit to a participant of drug court.

- Section 15 allows the Department of Corrections to collect fees for drug screenings for probationers.

- **Authored By:** Rep. Rich Golick of the 40th

- **House Committee:** Judiciary Non-Civil

- **House Committee Passed:** 2/21/2013

- **Rule:** Modified-Structured

### **HB 437 - Atlanta Judicial Circuit; provide for selection of chief judge**

- BILL SUMMARY: While allowing for deference to the Courts for internal governance, HB 437 provides an outline of enumerated duties for the chief judge of the Atlanta Judicial Circuit, often in conference with the state court chief judge, when the judges are unable to agree. These duties include scheduling regular judge's meetings; managing available court space; making determinations of divisions; selection of jury clerk and oversight and developing a personnel system.

- **Authored By:** Rep. Wendell Willard of the 51st

- **House Committee:** Judiciary

- **House Committee Passed:** 2/26/2013

- **Rule:** Modified-Open

### **HB 441 - Fulton County Superior Court; administrator shall have oversight of budget; provide**

- BILL SUMMARY: HB 441 grants the Superior Court of Fulton County budget independence.

It grants the court administrator of the Superior Court of Fulton County oversight of the court's budget. After county funds have been appropriated for the operation of the court, the court administrator, with the approval of the chief judge, has authority to make changes to line item appropriations.

- **Authored By:** Rep. Wendell Willard of the 51st

- **House Committee:** Judiciary

- **House Committee Passed:** 2/26/2013

- **Rule:** Modified-Open

### **HB 446 - Guardian and ward; proposed ward who resided in another state prior to submission of guardianship or conservatorship petition for such proposed ward; provide certain additional notice requirements**

- BILL SUMMARY: HB 446 provides for an additional notice requirement for a proposed ward who resided in another state prior to the submission of a guardianship or conservatorship petition.

The petition must set forth any state the proposed ward was physically present, including a period of temporary absence, for at least the immediate preceding six months, and notice must be given to those persons who reside in such other state.

- **Authored By:** Rep. Allen Peake of the 141st

- **House Committee:** Juvenile Justice

- **House Committee Passed:** 2/25/2013

- **Rule:** Modified-Structured

***\* The Rules Committee will next meet on Friday, March 1, at 8:00 AM or upon Adjournment of the Appropriations Committee meeting, to set the Rules Calendar for the 28th Legislative Day.***



# **COMMITTEE ACTION REPORT**

## **Defense & Veterans Affairs**

### **HB 52 - Adjutant general; qualifications for appointment; provide**

- BILL SUMMARY: House Bill 52 amends the Georgia Code to provide for the qualifications of future appointments of the adjutant general and assistant adjutant general positions.

- **Authored By:** Rep. Chuck Sims of the 169th

- **Committee Action:** Do Pass by Committee Substitute

## **Economic Development & Tourism**

### **HB 318 - Georgia Tourism Development Act; revise certain definitions; provisions**

- BILL SUMMARY: House bill 318 makes changes to the Georgia Tourism Development Act.

- The term "agreement" means an agreement for a tourism attraction project between the Department of Community Affairs and an approved company.
  - "Annual sales and use tax" means state sales and use taxes remitted to the state that were generated by sales to the general public at the approved tourism attraction during the calendar year immediately preceding the date of the tax refund claim.
  - An "approved company" must be an entity that has submitted an approved application to undertake a tourism attraction project. Only one company may be approved per project.
  - For a project to be considered an "approved tourism attraction," the Governor must approve said project and it must have become operational and opened to the public.
  - "Incremental sales and use tax" is defined as taxes remitted to the state that were generate by sales to the general public at the approved tourism attraction from the date on which construction of the expansion project is completed through the end of the calendar year immediately preceding the date of filing the refund claim, less the state sales and use taxes remitted to the state that were generated by the general public during the 12 month period immediately preceding the commencement of the construction.
  - "Local sales and use tax" is defined as any sales and use tax levied and imposed in an area consisting of less than the entire state.
  - A "sales and use tax refund" is the amount equal to the lesser of the annual sales and use tax or 2.5% of the total of all approved costs incurred at any time prior to January 1st of the year the claim is filed.
  - "Tourism attraction" is defined as a cultural or historical site; a recreation or entertainment facility; a convention hotel and conference center; an automobile race track, including, but not limited to, the Atlanta Motor Speedway, with other tourism amenities; a golf course facility with other tourism amenities; marinas and water parks with lodging and restaurant facilities designed to attract tourists; or a Georgia crafts and products center.
  - Tourism attractions will not be primarily devoted to the retail sale of goods, shopping centers, restaurants, or movie theaters.
  - The Governor will have the sole discretion to grant an approved company a sales and use tax refund for new projects or an incremental sales and use tax refund for expansions of existing tourism attractions.
  - The term of the agreement granting a refund will be ten years, commencing on the date the attraction opens and begins to collect taxes or, for an expansion, the date construction is complete.
  - For each calendar year or partial calendar year occurring during the term of the agreement, the company will file a claim with the Department of Revenue for a refund by March 31st of the following year.
  - No sales and use tax refund will be granted to a company that is simultaneously receiving any other state tax incentive associated with any one tourism attraction project.
  - Refunds will be made without interest.
  - Applications must be filed with the Department of Community Affairs, which will also be responsible for reviewing the compliance of an agreement.
- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Failed

## **Energy, Utilities & Telecommunications**

### **HB 282 - Municipal Broadband Investment Act; enact**

- BILL SUMMARY: House bill 282 adds a new chapter to the Georgia Code known as the Municipal Broadband Investment Act, which allows public providers of broadband service to provide services in unserved areas as determined by the Public Service Commission. As of July 31, 2013, a public provider will also be allowed to provide service to any census block it already provided service to prior to this date, or offer service to any census clock with infrastructure capable of providing such as of June 30, 2013. The Public Service Commission will have the authority to carry out the rules and regulations associated with

this Act.

A public provider is defined as any county, municipal corporation, or other political subdivision of the state which provides broadband service directly or indirectly, for the benefit of any county, municipal corporation, or other political subdivision of the state. This does not include a municipal corporation, or any authority or instrumentality of a municipal corporation that owns or operates an electric utility. Additionally, an unserved area is defined as a census block for which the National Broadband Map shows no broadband services is available.

- **Authored By:** Rep. Mark Hamilton of the 24th
- **Committee Action:** Do Pass by Committee Substitute

## **Governmental Affairs**

### **HB 41 - Service delivery strategies; water and sewer fees charged for customers outside provider's geographical boundaries; change certain provisions**

- **BILL SUMMARY:** In the absence of an intergovernmental agreement, HB 41 prevents a provider of water and sewer services from charging more to customers outside the geographical boundaries of the service provider than they do customers within their boundaries. This bill only applies to cities created on or after January 1, 2000.
- **Authored By:** Rep. Wendell Willard of the 51st
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 171 - Fulton County; Board of Commissioners; change description of districts**

- **BILL SUMMARY:** A Bill to reapportion the Fulton County Board of Commissioners.
- **Authored By:** Rep. Lynne Riley of the 50th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 346 - Fulton County; appointment of tax commissioner; provide**

- **BILL SUMMARY:** A Bill to provide for the appointment of the tax commissioner of Fulton County and to limit certain compensation for that office.
- **Authored By:** Rep. Harry Geisinger of the 48th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 347 - Fulton County; board of elections and registration; revise manner of appointment of members**

- **BILL SUMMARY:** A Bill to revise the manner of appointing the members of the board of elections and registration for Fulton County.
- **Authored By:** Rep. Lynne Riley of the 50th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 442 - Fulton County State Court; administrator shall have oversight of budget; provide**

- **BILL SUMMARY:** A Bill to provide for the administration of the budget of the State Court of Fulton County, to provide that the court administrator shall have oversight of the budget, to provide that the court administrator, with the approval of the chief judge, is authorized to make changes to line item appropriations, and to provide that any unexpended funds at the end of the fiscal year shall lapse to the general fund of Fulton County.
- **Authored By:** Rep. Wendell Willard of the 51st
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 452 - Milton, City of; change description of districts**

- **BILL SUMMARY:** A Bill to reapportion the city council of the City of Milton.
- **Authored By:** Rep. Jan Jones of the 47th
- **Committee Action:** Do Pass

## Judiciary

### **HB 1 - Georgia Uniform Civil Forfeiture Procedure Act; enact**

- BILL SUMMARY: HB 1 – the Georgia Uniform Civil Forfeiture Procedure Act

#### Overview:

Civil forfeiture laws represent one of the most serious assaults on private property rights in the nation today. It is the power of law enforcement to seize cash, cars, home and other property on the suspicion the property was involved in criminal activity. In a recent Institute for Justice report, Georgia was given a D- for its civil forfeiture laws and practices with only four other states receiving similar low grades.

During the 2011 and 2012 interim, a Forfeiture Rewrite Work Group met to review current forfeiture law and determine whether there was a need to standardize the provisions and consolidate into one primary code section to help streamline the process.

Along with House Judiciary Chairman Wendell Willard, a representative from the Georgia Association of Criminal Defense Attorneys, the Prosecuting Attorney's Council, Attorney's General office and the Administrative Office of the Courts met and discussed in great deal current forfeiture law. With the help of Legislative Counsel, the work group drafted a new Uniform Civil Forfeiture Procedure Act (UCFPA) which will be located in Chapter 16 of Title 9, Civil Practice.

UCFPA establishes comprehensive civil forfeiture proceedings. It is taken from the drug forfeiture statute that has guided the vast majority of forfeitures in this state for the last 20 years. However, the new UCFPA is divided into separate code sections to make it easier to read and understand. The UCFPA improves the current law in Georgia by providing procedural safeguards for defendants by placing it within Title 9, greater protection for innocent owners, more transparency and accountability by strengthening the mandatory reporting requirement. In addition, the bill ensures that those individuals proven guilty of a crime do not keep the fruits of their crime. Therefore, it strikes a much needed balance in forfeiture law between individual property rights and public safety.

#### Summary:

##### Part 1: Civil Forfeiture Procedure

The first three (3) pages of the bill provide definitions for the new chapter.

9-16-3 and 4 provides for Jurisdiction and Venue

9-16-5 reserved

9-16-6 requires a seizing officer to make a reasonable effort to find and notify a registered owner of a seized vehicle when the owner is not present at the scene of the seizure.

9-16-7 establishes how property may be seized, both with and without process. In addition, it allows courts to retain jurisdiction over an unconstitutional forfeiture if the seizure was made with process or in a good faith belief of probable cause.

9-16-8 gives time frame parameters for notice.

A seizing offer must provide specific inventory information of the seizure to the district attorney within 30 days, and a state attorney must initiate proper proceedings (judicial or nonjudicial for personal property valued at \$5,000 or less) within 60 days of the date of seizure. Failure of either the seizing officer or the state attorney to comply requires the release of the property to the owner/interest holder unless the property is needed as evidence.

9-16-9 provides for forfeiture liens.

It authorizes the state attorney to file a forfeiture lien (and amend when necessary). The filing constitutes notice to any person claiming an interest in the property and will include the names of all individuals claiming interest, description and value of the property, and information on the court where proceedings are being brought.

The lien applies to not only the property and people described in the lien but also to any real property owned or controlled by each named person. After the lien is filed, the state attorney must furnish a copy to any person named. Upon entry of judgment in the state's favor, the state attorney may proceed to execute on it like any other judgment.

Subsection € requires a trustee of property who is aware of a forfeiture proceeding or lien against such property to forward, within 10 days of the trustee's notice, to the state attorney information on the trust agreement. A trustee who fails to comply is guilty of a misdemeanor.

9-16-10 provides for the control of the property. Seized property is in the custody of the State of Georgia subject to the superior court having jurisdiction.

It allows an action to be assigned to the same judge hearing another civil forfeiture action or criminal proceeding involving the same parties or property. It also authorizes the release of the property.

9-16-11 deals with storage of property.

Subsection (b) allows the court, upon motion by the state attorney, claimant or custodian, to order a sale when the property is depreciating in value or is perishable. Income is paid into the court's registry pending final disposition.

Subsection © requires the seizing agency to submit any currency, not needed as evidence, to the clerk of court within 60 days of the seizure to be deposited into an interest-bearing account in county branch where the forfeiture action is located.

9-16-12 establishes non-judicial forfeiture of personal property with an estimated value of \$5,000.00 or less.

Here, the state attorney must post notice of seized personal property in a prominent location in the county courthouse where the property was seized and must also serve a copy of the notice upon an owner/interest holder and person in possession of the property at the time of seizure.

Among other requirements, the notice must include a statement that an owner/interest holder must notify the state attorney in writing within 30 days of the interest in property.

Subsection © sets the timeframe of notification to the state attorney as well as the information that the owner/interest holder must include in the claim. After receipt of a claim, the state attorney then has 30 days to file a complaint for forfeiture and must join any claimant as a party.

If no claim is received within 33 days after notice, the property is forfeited to the state by operation of law, and the state attorney must dispose in accordance with this chapter and serve a copy of the order to any person original served with notice of the seized property.

9-16-13 sets forth the procedure for in rem actions.

- The property subject to the civil action is named as the defendant;
- Lists the requirements for the complaint and requires service of the complaint and summons on any owner/interest holder and any person who is in possession of the property.
- Allows notice by publication where the property subject to the action is real property, or the owner/interest holder is unknown, resides out of state or cannot be found.
- If tangible property has not been seized, this section authorizes the court to order law enforcement to take possession of the property. When taking possession is impracticable, it requires the sheriff to execute process by attaching the complaint and summons to the property and leaving another copy with the person having possession of the property.
- Subsection © requires an owner/interest holder to file an answer asserting a claim against the property within 30 days of notice and sets forth information required for claimant's answer.

○ If no answer is filed within allotted time, subsection € allows the state attorney to seek default judgment and dispose of property as authorized in this chapter.

○ When an answer is filed, subsection (f) requires a bench trial within 60 days after the last claimant was served and prohibits discovery unless a party applies to the court to allow it. If discovery is allowed, the court may continue the trial date to a date within 60 days of the end of discovery.

- Allows intervention by an owner/interest holder, or person in possession of the seized property, who has suffered pecuniary or physical injury due to violations of certain code sections.
- Allows an in rem action to be brought in addition to any other in rem or in personam action brought pursuant to this chapter.

9-16-14 sets forth the procedure for in personam actions

- Lists the requirements for the complaint and service of process.
- Requires the defendant to file a verified answer within 30 days of notice
- If no answer is filed within allotted time, subsection € allows the state attorney to seek default judgment and dispose of property as authorized in this chapter.
- When an answer is filed, subsection (f) requires a bench trial within 60 days after the last claimant was served and prohibits discovery unless a party applies to the court to allow it. If discovery is allowed, the court may continue the trial date to a date within 60 days of the end of discovery.
- Allows intervention in a civil forfeiture action by an owner/interest holder, or person in possession of seized property, who has suffered pecuniary or physical injury due to violations of certain code sections.
- Where there is a determination of liability, subsection (g) requires the court to enter a judgment of forfeiture of the property described in the complaint and authorize the seizure of all property ordered forfeited that has not been seized previously.

9-16-15 provides for temporary relief such as restraining orders and injunctions in order to preserve the availability of property subject to forfeiture.

If property is seized or a forfeiture lien is filed without a judicial determination of probable cause, the court may issue a show cause order on application filed by an owner/interest holder within 30 days after notice of the seizure or a forfeiture lien.

This section further allows the court to order that seized property be sold to satisfy a specified interest of any interest holder, and any balance of the income be returned to the custody of the court in an interest bearing account subject to further proceedings under this chapter.

9-16-16 provides for stays of criminal proceedings.

Here, the court may stay a civil forfeiture action during the pendency of criminal proceedings. An acquittal or dismissal in a criminal proceeding does not preclude civil forfeiture actions.

9-16-17 allows for the intervention of certain parties as previously mentioned under 9-16-13 and 14.

9-16-18 establishes the state's burden of proof which is by clear and convincing evidence.

Subsection (b) authorizes the trier of fact to infer that currency is subject to forfeiture where found in close proximity to the contraband. Subsection © creates a rebuttable presumption of forfeiture under certain enumerated circumstances which have each been proven by clear and convincing evidence.

In addition, the Code section also establishes an Innocent Owner Defense

Here, the evidentiary burden is on the owner/interest holder to show that he or she is not privy to the criminal conduct nor could have reasonably known about the conduct giving rise to the forfeiture; did not consent to it; and would not financially benefit from it.

An innocent owner must also show that his or her property interest pre-dated the completion of the alleged misconduct, and the alleged criminal did not have authority to convey away the interest. For interest acquired after the completion of the alleged misconduct, the owner must establish he or she is a bona fide purchaser for value before the filing of a forfeiture lien and before the effective date of a notice of pending forfeiture, was unaware of the illegal transaction or that the property was likely to be subject to forfeiture.

However, if the innocent owner holds title to a vehicle jointly with a person whose conduct gave rise to the forfeiture, the defense will not apply.

9-16-19 provides for the vesting of seized property. It vests with the state at the time of the conduct giving rise to the forfeiture except for an Innocent Owner.

9-16-20 provides for disposition of seized property and, if sold, the requirements for sale of such property. The proceeds of a sale are paid into the registry of the court. The state attorney then submits a proposed order of distribution. All property forfeited from the same civil forfeiture action is pooled together and a fair market value given to each item with a total value established for the pool (excludes currency).

The first distribution from the pool pays costs and expenses, including court costs. The currency portion of the remaining pool is distributed pro rata to law enforcement agencies and multijurisdictional task forces according to their role in the seizure of the property.

Subsection (f)(4) provides up to 10 percent to the district attorney's office for its efforts in prosecuting the forfeiture proceedings. However, the money may only be used for enumerated expenses.

(f)(5)(A)(i) Ensures that distributed property is correctly titled in political subdivisions.

(ii) Limits currency distributed to law enforcement agencies and multijurisdictional task forces for law enforcement purposes to no more than 33 1/3% of the amount of local funds made available to such entity for the fiscal year in which such funds are distributed.

(f)(5)(B) Requires property distributed in kind to the state be delivered to the Department of Administrative Services and any currency be paid into the general fund and sets forth intended uses.

(g)(1) Requires the AOC to create and post an annual reporting form that law enforcement agencies and multijurisdictional task forces must submit.

(g)(2) Requires law enforcement agencies and multijurisdictional task forces that have received forfeited property to submit an annual report to the political subdivisions and district attorneys governing their jurisdiction along with its annual budget

request.

(g)(3) Requires annual forfeiture reports to be submitted to the Carl Vinson Institute of Government.

(g)(4) Prohibits law enforcement agencies and multijurisdictional task forces from receiving property derived from civil forfeiture actions for two years if they fail to submit their annual report or misuse forfeited property.

9-16-21 Allows the court to order the forfeiture of other property belonging to a claimant or defendant in certain enumerated circumstances and allows the state attorney to bring a civil action against any person with notice when the property is rendered unavailable.

Subsection € provides a 4 year statute of limitations after the last conduct giving rise to forfeiture or the claim for relief should have become known.

9-16-22 Addresses property seized or forfeited pursuant to federal law. Where federal law provides, property will be transferred to a state law enforcement agency/political subdivision to be used in accordance with federal law. Where federal law is silent, the property and its proceeds will be disposed of and used as set forth in 9-16-20.

## **PART II: CONFORMING TITLE 16 TO THE NEW CIVIL FORFEITURE PROCEDURE**

Part II amends Title 16 forfeiture statutes to require that property is forfeited in accordance with the procedures of the new UCFPA.

## **PART III: CONFORMING OTHER ENUMERATED TITLES TO THE NEW CIVIL FORFEITURE PROCEDURE AND CORRECTING TERMINOLOGY**

## **PART IV: EFFECTIVE DATE, APPLICABILITY, AND REPEALER**

Act is effective on July 1, 2013, for seizures of property for forfeiture that occur on or after that date.

- **Authored By:** Rep. Wendell Willard of the 51st

- **Committee Action:** Do Pass by Committee Substitute

## **Judiciary**

### **HB 215 - Superior courts; filings in the clerk's office; change provisions**

- BILL SUMMARY: HB 215 allows for changes in office hours in the clerk's office for offices with three or fewer employees. It allows clerks to refuse filings that are not accompanied by the appropriate fees.

- **Authored By:** Rep. Tommy Benton of the 31st

- **Committee Action:** Do Pass by Committee Substitute

## **Judiciary**

### **HB 289 - Funds transfers; Uniform Commercial Code and federal law; clarify certain provisions**

- BILL SUMMARY: HB 289 clarifies Article 4A of the Uniform Commercial Code's applicability to remittance transfers under the federal Electronic Fund Transfer Act.

- **Authored By:** Rep. Trey Kelley of the 16th

- **Committee Action:** Do Pass by Committee Substitute

## **Judiciary**

### **HB 382 - Torts; governing authority of school that enters into recreational joint-use agreement with public or private entity; limit liability**

- BILL SUMMARY: HB 382 provides that a Board of Education does not waive its sovereign immunity by allowing its recreation facilities to be used by another entity so long as there is a joint-use agreement, and the entity has \$1 million insurance policy.

Because state agencies cannot agree to hold harmless clauses in favor of third parties due to restrictions on waiving sovereign immunity, the committee substitute provides an exemption for the state. (1980 Att'y Gen. Op. 80-67)

- **Authored By:** Rep. Jay Powell of the 171st

- **Committee Action:** Do Pass by Committee Substitute

## Judiciary

### **HB 434 - Liens; mechanics and materialmen; special liens include amount due and interest on such amount; provide**

- BILL SUMMARY: HB 434 allows a materialman to file a materialman's lien that includes all of the costs provided for in the contract.
- **Authored By:** Rep. Tom Weldon of the 3rd
- **Committee Action:** Do Pass by Committee Substitute

## Judiciary

### **HB 468 - Local school board members; use of public funds for litigation expenses relating to removal proceedings; prohibit**

- BILL SUMMARY: HB 468 prevents public funds from being used to defend a school board member in the removal process by the Governor.
- **Authored By:** Rep. Mike Jacobs of the 80th
- **Committee Action:** Do Pass by Committee Substitute

## Natural Resources & Environment

### **HB 276 - Hazardous site response; appropriations to Department of Natural Resources and Georgia Hazardous Waste Management Authority; change certain procedures**

- BILL SUMMARY: HB 276 amends O.C.G.A. 12-8-95.1(h) by extending the levying of fees for the hazardous waste trust fund until July 1, 2018.

HB 276 also amends O.C.G.A. 12-8-95 relating to the Hazardous Waste Trust Fund by striking language that would allow for a transfer on an annual basis to the Georgia Hazardous Waste Management Authority (Pollution Prevention Assistance Division).

The bill also relates to tire disposal restrictions and fees by adding a new paragraph to O.C.G.A. 12-8-40.1(h) that states, "the fee amount provided for in this subsection shall be subject to revision pursuant to Code Section 45-12-92.2."

This bill also extends the 75 cent per ton tipping fee collected by any solid waste disposal facility other than an inert landfill to 2018.

This bill also provides for automatic fee adjustments for the hazardous waste fees, the solid waste disposal fee, and the tire disposal fee.

For the purpose of making appropriations to the functions required to administer the programs supported by the fees collected, the Office of Planning and Budget (OPB) must determine the base amount of the fee. "Base amount" is defined as the total amount of fee proceeds collected during the fiscal year preceding the fiscal year for which the current appropriation amount is being determined. Additionally, OPB must establish what amount would be 25 percent of the base amount collected in fees, and add that amount to the current appropriation to determine the target amount of appropriation. If the new appropriation is equal to or greater than 95 percent of the base amount, or equal to or greater than the target amount, the amount of the fee collected will not be reduced.

However, if the new appropriation amount is less than the target appropriation amount, the fees collected will automatically be reduced by 25 percent. In this case, OPB must notify the collecting entity, when the Appropriations Act becomes law. Any fiscal year when the appropriation again meets the target amount, the fee amount will increase back to the prior amount. This new automatic adjustment of fees does not preclude any appropriation of greater amounts from taking place by OPB. Each collecting agency affected by this bill must confer with OPB to promulgate rules and regulations as would be required, including appropriate public notification of any fee amount change.

Prior to the adoption of the current fiscal year's amended supplementary appropriations bill, the application of a single fee outlined in this Code section may be waived and suspended for up to a single fiscal year.

- **Authored By:** Rep. Chad Nimmer of the 178th
- **Committee Action:** Do Pass by Committee Substitute

## Natural Resources & Environment

### **HB 381 - Natural Resources, Department of; department creation and operation of a nonprofit corporation; revise provisions**

- BILL SUMMARY: House Bill 381 amends O.C.G.A. 12-2-6 by allowing three members of the DNR Board to serve as non-voting members of the board of directors for the Georgia Natural Resources Foundation.

- **Authored By:** Rep. Matt Hatchett of the 150th

- **Committee Action:** Do Pass by Committee Substitute

## Regulated Industries

### **HB 487 - Public health and morals; Georgia Lottery; correct a cross reference**

- BILL SUMMARY: Section 1

50-27-70

This legislation would move existing definitions, licensure, and enforcement authority of coin operated amusement machines from the Department of Revenue to the Lottery Corporation.

50-27-71

This section allows the lottery corporation the ability to revoke or suspend a license of a location owner who violates the new restrictions set forth by this bill.

50-27-84

This section requires location owners and operators of Class B machines to submit to the lottery corporation monthly verified reports of cash flow.

50-27-87

The section prohibits location owners to obtain an operator's license to provide for checks and balances in the system and capture income and sales tax obligations. Increased enforcement penalties for violations of this subsection include license revocation and significant civil fines.

50-27-87

This section outlines unfair and deceptive trade practices. This includes the prohibition of an operator or location owner from offering or accepting procurement fees, gifts, etc. in exchange for locating a coin operated amusement machine in an establishment. Increased enforcement penalties for violations of this subsection include license revocation and significant civil fines.

50-27-89

This section creates an advisory board to oversee the Class B machine accounting terminal for the lottery corporation to implement.

50-27-101

This section requires the lottery corporation to procure a Class B accounting terminal that will link all Class B machines to a network for the purposes of auditing, reporting, and following cash flow through the system.

50-27-102

This section outlines that the state will not have any capital expenditures other than the accounting system, the operator has the financial and operating responsibilities to operate and maintain the machines, and the location owner is responsible for the store, staffing of the store, and completing the redemption process.

Section 2

This section provides the state with the ability to seize any Class B machines that are illegally paying out cash. It also removes the prohibition on lottery tickets as a valid form of redemption.

- **Authored By:** Rep. Matt Ramsey of the 72nd

- **Committee Action:** Do Pass by Committee Substitute

## State Properties

### **HB 482 - Corrections, Department of; employees serving as certified peace officers may retain their weapons under certain circumstances; provide**

- BILL SUMMARY: HB 482 allows an employee leaving his or her position after 20 or more years of service as a certified officer, within the Department of Corrections or Board of Pardons and Paroles, and under honorable conditions to retain his or her department issued weapon as part of his or her compensation.

- **Authored By:** Rep. Jay Neal of the 2nd

- **Committee Action:** Do Pass by Committee Substitute



## State Properties

### **HB 495 - State Properties Code; conveyance of state property and consideration of conveyances by General Assembly; modify provisions**

- BILL SUMMARY: HB 495 amends Article 2 of Chapter 16 of Title 50 of O.C.G.A relating to the State Properties Code.

'Conveyance' is defined as 'the sale or other disposition of real property including a transfer of fee simple title, lease, and easement' and the definition of 'Property' is expanded to include 'Any real property interest titled in the name of the state.'

This legislation also states that the State Properties Commission shall have the power and duty to approve a conveyance of state property valued at \$500,000.00 or less. The commission also has the power and duty to have a report prepared, which will allow the commission to arrive at a fair valuation of all properties to be conveyed. If the property is to be conveyed to a private entity the report shall include either an opinion of the value or one written appraisal of the property. If the value of the property to be conveyed is in excess of \$100,000.00 a second written appraisal shall be required. Conveyances initiated prior to regular session of the General Assembly may be contained in a resolution to be submitted to the President of the Senate and the Speaker of the House and to the chairpersons of the House and Senate standing committees that regularly consider proposed legislation related to state property. The standing committees that regularly consider matters related to state property in the Senate and House of Representatives may meet outside of the regular legislative session of the General Assembly to consider property conveyance resolutions submitted by the commission. The commission shall give no less than 30 days' prior written notice, by certified mail and e-mail, to the Office of Legislative Counsel, the Speaker of the House of Representatives, the President of the Senate, the chairpersons of the House and Senate standing committees that regularly consider state property related legislation, and all members of the General Assembly whose legislative districts contain all or a portion of the property. If approved, during a committee meeting, the resolutions shall be filed at the next regular session of the General Assembly and be voted on as any other bill. However, the resolution shall not be assigned to committee or amended.

This legislation also allows the commission to accept sealed bids and best and final offers for any conveyance of property and eliminates the exception allowing the Department of Labor to manage its own space.

- **Authored By:** Rep. Calvin Hill of the 22nd

- **Committee Action:** Do Pass by Committee Substitute

## Transportation

### **HB 486 - Weight of vehicles; issuance of annual commercial wrecker emergency tow permits; provide qualifications**

- BILL SUMMARY: HB 486 amends Code relating to emergency tow permits which were created in HB 835 during the 2012 legislative session. The bill cleans up language on weights on single and tandem axles.

- **Authored By:** Rep. Jay Roberts of the 155th

- **Committee Action:** Do Pass

## Transportation

### **HB 494 - Mass transportation; installation of safety markers on utility lines to provide adequate visual warning in use of private airstrips; provide**

- BILL SUMMARY: HB 494 allows any owner of a private airstrip to make a written notice to an owner of an appurtenant utility line requesting the installation of safety markers.

- **Authored By:** Rep. Andrew J. Welch of the 110th

- **Committee Action:** Do Pass by Committee Substitute

## Transportation

### **HR 46 - Pierce Lovett Cline Memorial Bridge; Newton County; dedicate**

- BILL SUMMARY: This substitute is the annual road facility dedication resolution. Included in the substitute are HRs: 46,47, 48, 72, 229, 272, 340, 450, 485, 503.

- **Authored By:** Rep. Doug Holt of the 112th

- **Committee Action:** Do Pass by Committee Substitute

## **Transportation**

### **HR 411 - Trooper Lieutenant Joseph "Joey" Keith Boatright Memorial Bridge; Carroll County; dedicate**

- BILL SUMMARY: This substitute is a set of road facility dedications honoring fallen State Troopers who were killed in the line of duty serving the State of Georgia. The substitute includes HRs: 45, 71, 144, 145, 161, 217, 388, 411, 451, 487, 511.
- **Authored By:** Rep. Dustin Hightower of the 68th
- **Committee Action:** Do Pass by Committee Substitute

## **Ways & Means**

### **HB 69 - Tax; amount payable for property at redemption; change provisions**

- BILL SUMMARY: HB 69 would require that homeowner association dues that accumulate during the time in which a tax lien is held against the property, must be paid during the redemption process.
- **Authored By:** Rep. Tommy Benton of the 31st
- **Committee Action:** Do Pass by Committee Substitute

## **Ways & Means**

### **HB 159 - Ad valorem tax; property tax bills shall not include any nontax related fees or assessments; provide**

- BILL SUMMARY: This legislation defines what "nontax related fees or assessments". As well as provides that any partial payments made by the property owner shall be applied to the property tax balance first, and not the nontax related fees.
- **Authored By:** Rep. Brett Harrell of the 106th
- **Committee Action:** Do Pass by Committee Substitute

## **Ways & Means**

### **HB 164 - Sales and use tax; exemption regarding sale or use of engines, parts, equipment or other property used in maintenance of certain aircraft; eliminate sunset**

- BILL SUMMARY: This legislation would extend the sunset date to June 30, 2015 for the exemption of sales tax on materials used for maintenance of aircraft that are repaired or maintained within the state, but are registered outside of the state.
- **Authored By:** Rep. Alex Atwood of the 179th
- **Committee Action:** Do Pass by Committee Substitute

## **Ways & Means**

### **HB 193 - Sales and use tax; tangible personal property to certain nonprofit health centers; provide exemption only for a limited period of time**

- BILL SUMMARY: HB 193 seeks to provide a two year exemption for sales tax paid by certain non-profit groups. The exemption would begin on July 1, 2013 and continues through June 30, 2015. These groups would include: federally qualified nonprofit health centers (FQHC), nonprofit volunteer health clinics, qualified food banks, and qualified job training organizations. Additionally food donated for either purpose of hunger relief or in times of disaster would be exempt from sales tax during this time period.
- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Do Pass by Committee Substitute

## **Ways & Means**

### **HB 197 - Ad valorem tax; land subject to a forest land conservation use covenant; provide taxation**

- BILL SUMMARY: HB 197 clarifies certain provisions within the Conservation Use properties and Forest Land protection laws. Additionally the legislation proposes to allow the Commissioner of Revenue to appoint independent performance review boards to evaluate tax digests that have been called into question for technical accuracy. Lastly, the legislation provides for a mechanism to produce a valuation of a property that is under valuation appeal.
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass by Committee Substitute

## Ways & Means

### **HB 250 - Local excise tax; sale or use of energy; revise certain provisions**

- BILL SUMMARY: HB 250 clarifies the manner in which localities can impose the excise tax on energy used in manufacturing as well as the manner in which that tax may be collected. Dealer for purposes of the energy excise tax means any person or company that sales energy in a retail format. These dealers are allowed compensation for the collection of such taxes, in the manner that 3% of the first \$3,000 and 1.5% thereafter, of any monthly amounts paid to each governmental authority which is levying such a tax. The bill also provides penalties and lays out what types of actions may be brought against dealers of energy that must remit these taxes, but which knowingly fail remit such taxes.

- **Authored By:** Rep. Tom Rice of the 95th

- **Committee Action:** Do Pass

## Ways & Means

### **HB 272 - Income tax credit; certain qualified investments for limited period of time; extend**

- BILL SUMMARY: HB 272 is the annual update bill to bring the Georgia Revenue Code in line with the Internal Revenue Code. The bill extends the Section 179 (b) (1) and (2) income tax deductions at the current levels provided for within the code. Additionally, retirement income for airline pilots that was forced to be transferred into a Roth account in 2007 and therefore was subject to state tax will become eligible for a refund as long as an amended return is filed by Nov. 15 of this year. The bill also clarifies that the Research and Development credits established in §48-7-40.12 which were earned in tax year 2012 will apply to tax years 2012 and forward. Clarifying language to preclude on-road excise taxed fuel from is tax exempt under the GATE program was added to the bill as well requiring a good-faith standard be applied by retailers who are accepting sales tax exemption certificates.

- **Authored By:** Rep. Allen Peake of the 141st

- **Committee Action:** Do Pass by Committee Substitute

## Ways & Means

### **HB 304 - Freeport exemption; applicability to fertilizer production processes; clarify**

- BILL SUMMARY: This legislation clarifies a part of the Freeport exemption law, so as to ensure that raw materials used in the production of fertilizers would enjoy the exemption.

- **Authored By:** Rep. Tom McCall of the 33rd

- **Committee Action:** Do Pass

## Ways & Means

### **HB 359 - Unclaimed property; commissioner of revenue to deposit certain funds in state treasury; require**

- BILL SUMMARY: HB 359 provides the ability to the Commissioner of Revenue to deposit revenues from unclaimed property into the general fund instead of retaining such revenues in a segregated account of the state.

- **Authored By:** Rep. Chad Nimmer of the 178th

- **Committee Action:** Do Pass

## Ways & Means

### **HB 371 - Motor fuel tax; define liquefied natural gas**

- BILL SUMMARY: Define liquefied natural gas as "methane or natural gas in the form of a cryogenic or refrigerated liquid for use as a motor fuel." And place a minimum on the gallon equivalent of liquefied natural gas, not to be less than 6.06 pounds.

- **Authored By:** Rep. Ben Harbin of the 122nd

- **Committee Action:** Do Pass by Committee Substitute

## Ways & Means

### **HB 403 - Water and sewer projects; redefine the term municipality**

- BILL SUMMARY: Add a new article would authorize Valdosta to have the option to have a Municipal Option Sales Tax, if approved in a referendum by the voters of the city of Valdosta. The tax would allow only water and sewer projects and would be limited to 4 years in duration. The law is limited so as to only Valdosta would qualify for such type of MOST.

- **Authored By:** Rep. Amy Carter of the 175th

- **Committee Action:** Do Pass by Committee Substitute

## **COMMITTEE MEETING SCHEDULE**

**Friday, March 01, 2013**

TBD	<a href="#">Floor Session (LD27)</a>	HOUSE CHAMBER (9:00am)
7:30 AM - 8:30 AM	<a href="#">APPROPRIATION</a>	341 CAP
8:00 AM - 9:00 AM	<a href="#">Hunting Regulations Subcommittee of Game, Fish &amp; Parks</a>	515 CLOB (8:15am)
8:00 AM - 9:00 AM	<a href="#">RULES</a>	341 CAP (or Upon Adjournment of House Appropriation)
8:30 AM - 9:30 AM	<a href="#">EDUCATION</a>	506 CLOB
11:00 AM - 11:30 AM	<a href="#">PUBLIC SAFETY &amp; HOMELAND SECURITY</a>	415 CLOB (or Upon Adjournment)
11:30 AM - 12:00 PM	<a href="#">REGULATED INDUSTRIES</a>	415 CLOB (Upon Adjournment of Public Safety)
2:00 PM - 4:00 PM	<a href="#">Special Subcommittee on HB 481</a>	132 CAP

*\* This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule please visit [www.house.ga.gov](http://www.house.ga.gov) and click on [Meetings Calendar](#).*